

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, March 6, 2007

MEMBERS

PRESENT: Bonilla-Baker, Funk, Mikesell, Ritter, Simpson, Soderberg, and Yarnevich

MEMBERS

ABSENT: Schneider

STAFF

PRESENT: Andrew, Asche, Burger and Herrs

Item #1. Approval of the minutes of the regular meeting held on February 20, 2007.

The minutes of the February 20, 2007 meeting were approved as presented.

Item #2. Application #CU07-1, filed by Steve Pope, on behalf of Innovative Solutions, requesting approval of a Conditional Use Permit to allow a group rehabilitation facility to be established in an R-3 (Multi-Family Residential) zoning district. The property that is the subject of this application is legally described as the South 8.5 feet of Lot 6 and North 26.5 feet of Lot 8 on Ninth Street, Seitz Addition to the City of Salina, Saline County, Kansas and addressed as 310 South 9th Street. Continued from the February 20, 2007 meeting.

Mr. Simpson stated this item was on the last meeting agenda and was tabled so I will accept a motion to remove it from the table.

MOTION: Mrs. Yarnevich stated I move that we remove this item from the table.

SECOND: Mr. Funk.

VOTE: Motion carried 7-0.

Mr. Andrew presented the staff report, including photographs of the site and visual presentation of the site plan details, which are contained in the case file.

Mr. Simpson asked Dean, based on your information we have received to date, can you distinguish this house from the facility at 315 W. Walnut, is it the same type of clientele?

Mr. Andrew stated the way we would differentiate that is that some people can reach a decision on their own that they need assistance with a drug or alcohol problem and they can admit themselves to a treatment program or work with CKF to do that. They may have had no interaction with the court system at all. They're not on parole, on probation or associated with the community corrections system so it is run by CKF as a group home for people who have substance abuse problems. As we understand this, it is intended for people who have done something that has brought them before the courts and they are placed here through community corrections or through probation. But there is something that has been adjudicated through the court system and that they are placed in this facility as an alternative to some form of incarceration. We may not be 100% correct

about that. That is the purpose of this hearing. Then again, as to the purpose of the facility, the way we look at it is three things; 1) am I living here voluntarily or have I been placed here by the court? 2) are my freedoms curtailed in any way? and / or 3) have I had anything that is an interaction with the judicial system or am I living there through a voluntary decision to reside there to get assistance? So, we do have a number of facilities that are assisting people with substance abuse problems but they are not necessarily people that have been placed there by the court system. That is the way we've distinguished them.

Mr. Simpson asked are there any questions of Dean?

Mr. Mikesell asked is the parking at 300 Bartlett sufficient to allow them to give up four spaces?

Mr. Andrew stated I would say barely. By our code and our calculations they are supposed to have a minimum of between 28 and 30 spaces based on the office space they have in the building. There is an upper floor on that building that they use for training and conference space, so it is not devoted to offices. By observation on any given day the parking situation is fairly tight. We have had discussions, I don't know if you can go back to the site plan John, there is a green space behind the building that could provide some additional spaces and we've discussed that with the owner. It is more of a judgment thing, if you look at the building we have said based on the pure square footage about 30 spaces would be required and there are about 37 spaces there today. I would not describe it as a place that has a real surplus of parking.

Mr. Simpson asked any further questions? If not, at this time will the applicant or representative address the Commission. Please give us your name and address.

Steve Pope, 300 S. 9th Street, stated first of all I would like to address a couple of things that may have been misinterpreted. First of all I was the Director of Adult Services at the Central Kansas Foundation for 5 years prior to opening the business that I have. I help put together Fireside, the place on Walnut Street. Part of the program that they continue to have is that they service Senate Bill 123, the same population that we're speaking of today as well as insurance and other free voluntary positions. I would safely say 90% of the persons residing there, if not more, are Senate Bill 123 people. I would be glad to give a portfolio to anyone that is wanting to know the information about our program. We are also open for insurance based people at that location and we also take volunteers, straight volunteer people. Looking at the Senate bill, it is an alternative to sentencing, that is correct. I'm going to read some of my information that I have here. It says "all offenders that are placed on probation or corrections are provided with the alternative to jail or prison," meaning that they have a choice to voluntarily go into treatment. So that makes it voluntary in the decision in what they would want to do as far as seeking help with their addiction. That would be the first thing to look at. That particular population does have a choice, if you will, as to their sentencing. All offenders that would come into that population are first time offenders. This particular population is not your hardcore drug people who have repeatedly been into the system. They are under Senate Bills 123, they could be your son or your daughter, anyone that has been using alcohol or drugs by themselves. We would not accept dealers, traffickers, anyone that has anything to do with selling drugs at all. It is a first time offense that is put on a grid that they have at the Sentencing Commission. The idea behind this particular program is to catch people in the early stages of drug abuse not the latter stages. It is not an inpatient environment. It is a structured environment. I have brought the house rules which anyone is welcome to please take and see. This type of environment is so structured that the clients are not allowed to date for the first three

months that they are there. They must attend an AA based program. All of our clients are required to have jobs. They are required to utilize the community services. From a positive point of view, rather than placing them in jail for a first time offense, they are back out into the public. However, they have been through treatment of some form or finishing up their treatment. One of the conveniences of this location is that we have had ISAP, as we call it, Innovative Solutions next door at 300 S. 9th Street for almost 2 years. We have serviced over 400 patients. Out of that time not one time have the police been called, has there ever been any altercation of any nature whatsoever, no drugs or anything of that nature have been confiscated. The house rules also stated that if there is any usage by anyone in that house they are immediately discharged. They are not allowed to stay there. Most all usage does not take place in a highly supervised environment. It takes place down the street in someone's home or in a bar. This structured environment provides a far safer environment than most houses that you would find when it comes to those who use alcohol and drugs. Because there is none being used. We accept no sex offenders whatsoever. Period. We do not accept anyone who has any violent crimes of any nature. Period. They are not on our grid of acceptance. These are people like you and me that have issues with alcohol and drugs that need a structured environment. They are the same working people in our society. In fact, I am one of them. So please consider this when looking at the safety factor of this environment. I did some research. We do not need to worry about the alcohol and drug people that are using. We need to worry about, within a four block radius, there 13 sex offenders where I work. In a four block radius. If you expand that to 6 or 8 blocks you'd have 23 sex offenders. I find this difficult to deal with as a counselor and as a registered nurse in the psychiatric field. That is what we need to consider. The convenience of having ISAP and having the building and the business that I have is just that, management and supervision. The clients and patients as we say will be coming into our environment, the same environment that those other 400 people have been in. To receive services to get help. From that period of time, that is a convenience. We have supervision and our plan entails 24-hour supervision with on site personnel. These are trained people to work in that particular field. Being less than 50 ft. from their treatment center, the monitoring on that street, well we know that street very well. The police are there quite often. It is a very busy street for police. So the monitoring devices are very tight. I don't think we have to worry about monitoring them. I really don't. I have been in this field for 15 years and recovered myself. No everyone is a stereotypical image of a person that uses drugs. They are like everybody else on the street. Any questions?

Mrs. Yarnevich asked what is the age of the clients?

Mr. Pope stated we have a minimum age of 18 on up to whatever.

Mrs. Yarnevich stated so there is a minimum age of 18.

Mr. Pope stated yes. And we look very closely at that because the developmental level is important at that age too.

Mr. Mikesell asked you said on site supervision? That means on site at the house?

Mr. Pope stated at the house. Yes. At the house 24/7.

Mr. Mikesell stated tell us what a typical on site administrator does.

Mr. Pope stated well first of all they have very strict rules. They monitor the environment. There are house meetings that they have. The same principal of any environment of that nature. They have morning and

evening check in. Accountability is the main part. They carry out their duties together. What they do is they learn self responsibility, something that quite often has not been learned. And it's in a structured environment. Again, because of the proximity of our business we have other staff nearby. We have a staff of nine people. One of the things that I would like to mention also is parking. We have three of those offices that we have leased now. We have grown at that level. We started out with one and we now have three offices. That means our staff level is taking up those particular offices so you would not utilize a lot more parking spaces because the staff that exists has been there before and the three offices have already been taken so it's not going to increase anything of that nature.

Mr. Mikesell stated my question was more as what are the qualifications of a staff person on site?

Mr. Pope stated they have to have training in CPR and basic medical knowledge, that type of thing. They must also have knowledge of recovery as well as working with supervision. We target towards using counselors in training in that they are the people that are going to go on in that particular type of field. It is being supervised by us next door as far as monitoring.

Mrs. Bonilla-Baker asked can I see your plans for the house rules? How often do you check for drug abuse or testing?

Mr. Pope stated we do random testing on a regular basis.

Mrs. Soderberg asked what is regular?

Mr. Pope stated **(Inaudible—away from the microphone)**

Mr. Funk asked what is the average length of stay of these clients?

Mr. Pope stated 3-6 months.

Mrs. Soderberg stated in the application here it says that residents are required to perform a 30-day system or program. Does that mean there is a 30-day preliminary plan? After 30 days what happens?

Mr. Pope stated yes. Well, what it is they are required to utilize our program as a general program that we put them through at ISAP. Any of these people in the population would be coming from other sources and they had been in treatment at other places and in the final stages. Part of our security at ISAP we will make sure they (the residents) will know what they need to know and are practicing it. So the 30-day is not only a prevention period but it is also a period to assure us that they are on track.

Mrs. Soderberg stated I just want to be clear about this. When you say that these people would have a choice, it is a choice of prison or this facility.

Mr. Pope stated you can safely say that it would be just like other choices that they would have to make.

Mrs. Soderberg stated and you said that there are no dealers or traffickers. Does Senate Bill 123 allow traffickers in this kind of facility?

Mr. Pope stated no. That falls under a whole different grid.

Mrs. Soderberg asked we're just following 123 and they wouldn't allow that anyway?

Mr. Pope stated absolutely not. It falls under a certain grid. I also have an additional fact sheet and I'll give this out to you just to give you some

information. (Mr. Pope handed out fact sheets to the Commission). If you look at the Heritage House which is an Oxford-type of house which is self-run, they do not offer treatment at all. If you look at Fireside which is CKF they provide the same services that we're speaking of under that Senate bill. We would be more than happy if we do not have Senate bill people to take anyone into that environment that would meet our requirements. We do not treat the indigent. CKF has a grant that does that and we are very pleased that they do.

Mrs. Soderberg stated this would be for eight occupants. Then does that mean that one 24-hour staff person would mean that there could only be seven occupants then?

Mr. Andrew stated yes. If you have a staff person there on site, residing there, then you would be having seven residents there.

Mrs. Soderberg asked is that your understanding Mr. Pope?

Mr. Pope stated yes. We had hoped for more volume space but we understand that it is not allowed for that.

Mr. Andrew stated it is based on the volume of space available, bedrooms, how many square feet you need for each occupant.

Mrs. Yarnevich asked will you have somebody live there with them or will they do it on shifts?

Mr. Pope stated yes. Well, we have what we call a **(didn't catch word)** program. After a person reaches a certain point they take on not the role of a supervisor but they assist the supervisor in doing the daily work. It's sort of merit system if you will. What we will be doing is we will have a full-time person living there but they will be relieved for certain time frames such as weekends and that type of thing to replace them while they're taking their time off. But yes, it will be manned 24/7.

Mrs. Yarnevich stated I guess I was interested in this, and this may not even be a good question, but if the person is asleep for 8 hours, who is monitoring what is going on in the house?

Mr. Pope stated well first of all the house is basically, the system is set up that we would be putting in a door opening alarm system. So, if the door opens it will automatically sound off. Although the residents can come and go, it is not an incarcerated environment. It will alert the supervisor at that time if someone is there leaving or coming in. We have a lock time. There are curfews and if they do not meet those curfews the house will be locked down and they have to petition to get in.

Mr. Simpson asked so the clients will be employed somewhere in the community, they have to have employment?

Mr. Pope stated yes, that is part of the regulations.

Mr. Simpson asked so they are not there at the facility during some day time hours?

Mr. Pope stated yes, they should not be. Unless they are working at Tony's on a night time basis. However, if they are not employed they are still in treatment in the sense of spending time with us. We have a program set up which is a job search program, education program, GED program that they can be obtaining while they're looking for work. That is at our facility next door.

Mr. Simpson asked next door at 300 Bartlett?

Mr. Pope stated yes, 300 Bartlett.

Mrs. Soderberg stated I'm a little confused. They must have jobs. But some of them will come in without jobs.

Mr. Pope stated they must be employed. That is part of the thing. We give them alternative time. We give them a couple of weeks to find employment. But that is part of what we do as total care for the client is to help them with their job search and to make sure they do get employment.

Mrs. Soderberg asked full-time?

Mr. Pope stated yes.

Mrs. Soderberg asked it must be a full-time job?

Mr. Pope stated yes. They have 40 hours that they must be employed.

Mr. Funk asked do they pay rent?

Mr. Pope stated this is part of the Senate Bill 123 program reimbursement through the state. They do not pay rent. They are required to have \$30 dollar a week funding for themselves for their own incidentals, toothpaste, whatever. They are required to do that. One of the ideas behind full-time employment is that many times there are fines and issues that they have not paid off, past bills, credit bureaus, all of this type of thing. This affords them the opportunity to utilize that income to pay back what they owe. It seems to be a very successful program. You're not dealing with criminals in the sense of felons. These are nonperson felons if you will that are sent through that program. So you're not dealing with anybody that has a criminal behavior. It's just that their behaviors aren't good because of drugs and alcohol.

Mrs. Soderberg stated if they've been in trouble with the law then they have had a criminal possession. That is criminal.

Mr. Pope stated yes. But what I'm saying is this is the difference between person and nonperson felonies.

Mrs. Soderberg asked what kind of assessment is done then to determine when they can leave the facility and therefore have done what they need to do to get out from under there?

Mr. Pope stated like all medical things that we do we must have a treatment plan. That treatment plan is a product that is produced between the staff member and the client to reach specific goals. They must reach those goals before they can be released. Many of those goals are very generic such as abstinence and things of this nature. But they are also very specific, such as if there is a need of getting a GED as an example. This would be one of their goals. This is monitored and we have a review of that every two weeks to see how that particular progression is going. The client is to be very involved in this and that is part of the purpose of the treatment plan.

Mrs. Soderberg asked so once you feel that the goals have been met, which could run anywhere from how short of a time to how broad of a time?

Mr. Pope stated it really depends again on the place and the individual. Somewhere between three and six months.

Mrs. Soderberg asked so anyone that will be there can count on being there for a minimum of three months?

Mr. Pope stated it would be unusual, very unusual.

Mrs. Soderberg asked so once you feel these goals have been met then you certify somehow to the court system that this person is ready?

Mr. Pope stated or to the family or whoever, yes.

Mrs. Soderberg stated if they're voluntary.

Mr. Pope stated yes. If they have reached their goals and reached everything in the end. One of the reasons for having it downtown, I'm sure the reasoning for having a larger amount of homes in this 20 block radius is relatively simple, it's very close to the library for job search, it's close to the court systems, it's close to everything. Most if not all of our clients do not have transportation. They use OCCK or they use bicycles or something of that nature. The convenience of downtown plays a big role in why I'm sure there's a nucleus of these and plus the cost of housing is less.

Mr. Simpson asked are there any other questions of Mr. Pope?

Mrs. Soderberg stated there is some law about the sale of drugs within so many feet of a school. Are you familiar with that?

Mr. Pope stated I am not familiar with the law but I will tell you since that we do mandatory and random drug testing we also do room searches and we're asking that the Police Department have their drug task force dog occasionally come by and do a run through the house.

Mrs. Soderberg stated ok. But I'm sure we're not so naïve as to think that there is a foolproof system that can be set up. But I'm just wondering, the church and the child care center there, would that be under that particular law? Would that be one of those that would be?

Mr. Pope asked are you talking about sales of drugs?

Mrs. Soderberg stated yes.

Mr. Pope stated I'm sure it would. But the sale of drugs is going to be anywhere.

Mrs. Soderberg stated but it puts it into another category.

Mr. Pope stated another grid.

Mrs. Soderberg stated right.

Mr. Pope stated it's somewhat like the other offender laws.

Mrs. Soderberg I know it is for a school, within so many yards of a school. But I don't know if a day care facility falls under that. Do we know that?

Mr. Andrew stated I don't have any personal experience with that. I have had experience testifying in court as to how close a particular site was to a school. But I have not had an occasion to do that for anything other than a school.

Mr. Pope stated part of what my concern is is that it would be just as valid. As a parent and having a facility in an environment that would raise my concern I think that would be the right thing to do. In my thoughts, because

I'm from the other side and I've worked in this industry for some time, the stigma that is quite often attached to this type of situation can be overblown out of fear. I have yet in my 15 years of working in this field dealt with anyone that has caused any issues that have been problematic. I will tell you that drug sales will take place everywhere. This city especially is unfortunately a rampant environment, or you would not see the amount of things that are happening as far as treatment centers and stuff. We are on the I-70 / I-135 corridor and it is very problematic. Our job is rehabilitation and to get that client back into the community productive. Detection at the early end of what they're doing is far better than waiting until it's much later. And that is the philosophy that we're going on. We do not look at the potential of crime to other people because you will find most all drug offenders are not really interested in causing physical or emotional damage in that sense to someone they don't even know. They are too busy looking for their drugs.

Mr. Simpson asked do most of these clients come from the immediate area?

Mr. Pope stated yes. I would safely say that this is a local population, especially with the size we're dealing with, with the small environment. We're not as large as other facilities here in town. So we have a smaller community. We will occasionally have someone come from out of town by placement. But the focus is in a local sense.

Mrs. Yarnevich asked your clients are men only?

Mr. Pope stated yes. There are no females allowed on the property.

Mrs. Yarnevich asked if they do break the rules and they're asked to leave do they just then go to jail?

Mr. Pope stated I do not make that decision. I just simply discharge them from service. I have a contract with the judicial system and what they do is entirely up to them.

Mrs. Yarnevich asked are they notified of what they've done then?

Mr. Pope stated yes. And quite often they can be picked up or whatever. But I can't speak for the system as far as that is concerned. Most likely they are.

Mr. Funk stated I guess that was my question to what extent does the judicial system supervise or monitor these people?

Mr. Pope stated we work very closely with them. We are contracted as a provider for those services. We are just as accountable to the judicial system as the client is. Their care, their progress, their direction, any of those things we are mandated to report. We have what we call a wrap around which is a required monthly Senate Bill 123 wrap around with the court, whoever that may be, the counselor and the client team together to work together with treatment plans for their progress. If they're not making progress, if they're not growing in the direction that they need to then we look at another form of service for them, perhaps inpatient someplace.

Mrs. Bonilla-Baker asked have you thought about signage? Is there signage for the house?

Mr. Pope stated no, absolutely not. In fact, Todd has requested as part of the caveat to our situation that we will not even allow the clients to sit out front and smoke. They will be required to be behind the building in an area that is built for them strictly for them to smoke. And I thoroughly agree with

you. When you have five or six men sitting out on the front porch and you don't know what's going on the image is not good.

Mrs. Soderberg stated unless your front yard is on the back, then it's a problem.

Mr. Pope stated we have a full lot behind us. If you look we have a full lot and we have a full lot behind it. I think it's the front image that Todd is concerned about and we would be building a small patio back there for them to have a covered patio.

Mrs. Soderberg asked screened in any way?

Mr. Pope stated we haven't decided yet.

Mr. Simpson asked are there any other questions or comments?

Mr. Ritter stated could you just clarify. There is one segment in our information that we get. It just says "an integration facility for men recently released from the state correctional system", that's in our paperwork.

Mr. Pope stated quite often when a client is arrested and before they go before the court they are held in a facility, then they go to treatment and then they come to us. So our process with that is that they must have had some form of treatment before coming to us.

Mr. Ritter stated to me it sounded like maybe they were just being paroled from prison and then they come to you guys.

Mr. Pope stated no. If that's not clear then I'll clarify that. No, absolutely not.

Mr. Simpson stated alright, thank you very much. Ok, if anyone else would care to address the application please step up to the podium and state your name and address.

Bill Sturges, 1405 Lorianna Court, stated I am here as a representative of the board of the Salina Child Care Association. We operate the Salina Child Care Center and Early Childhood Education Day Care Center in the First Presbyterian Church at 308 S. 8th Street here in Salina. We are here to oppose the request to open a reintegration center coming in at 310 S. 9th which is across the street from the Salina Child Care Center. We provide licensed, quality, early education and child care to over 100 preschool aged children per year. We are open year round Monday through Friday from 6:30 a.m. to 6:00 p.m. We do not believe this type of service should be allowed to operate across the street from our Early Childhood Education and Day Care Center. Our concerns are two fold. We are concerned first of all with the economic impact on our enrollment if this facility is allowed to operate across the street. We would anticipate a decrease in the number of our students that would enroll due to fears of their parents if this facility is allowed to go forward. Secondly and most importantly, we are very concerned for the safety of our young children at the Salina Child Care Center. We operate a quality facility and our purpose is the children enrolled in our center. The parents that drop their children off at our center each day expect us to educate and care for them. Part of that care each day is to make sure they are safe from harm. Can we be assured that every person in this reintegration facility will not be a threat to our children's safety?

Mr. Simpson stated ok. Anyone else care to address the application? There seems to be no other people that are wishing to address the Commission so we will bring it back to the Commission for discussion and action.

Mrs. Soderberg stated I know that this is kind of a frightening prospect for neighbors but I was impressed with what Mr. Pope said and I think some of what he said cleared up some questions in my mind. I'm wondering if the church and the day care center had an opportunity to look at this information, and I only glanced through it, that you gave out today about the structure of the program. I don't know how much information you've had before today. There may be an opportunity to look at this and come at it from a little bit different direction. I'm not sure if you feel that would be helpful. If it would be then we could perhaps postpone it once again and see if even Mr. Pope would be willing to meet with that board at the childcare center to answer some of their questions and to maybe give a historical overview of what's occurred in these houses. I just know that at the surface there is always that to immediately throw up the wall and assume that something bad can and will happen. So if there is some way to mitigate those concerns I would like to at least consider taking the time to do that. There has to be somewhere in our community for these types of facilities. So the next place they may decide for it to be we could have neighbors and the same kinds of concerns as well.

Mr. Pope stated one of my concerns is that.

Mrs. Soderberg stated I think you have to come to the microphone.

Mr. Pope stated I can certainly appreciate what is being proposed by the church. My thoughts are what their concerns or fears would be. And that would be the seed of what we're speaking of. I can not guarantee, and there is no way anyone in this room can guarantee, that people are going to be 24/7 safe in any environment in our community. I understand their concerns and I applaud those concerns. However, I think what you said is that it will take place and there are four or five of them in this community within this radius already. And I don't know if they've experienced any problems but basically I haven't heard that they've had anyone giving any of their children any issues and yet it would take less than three blocks for them to walk there to do something. So you're right in a sense about location. And I am more than happy to, that is why I've offered to give the format of that program so they would be able to see that. However, part of the issue for us is that naturally we would want to move forward. We've been asked by the Commission to expedite and we are behind. And so my concerns are meeting the needs of the community and that's what was asked of us. So we're also looking at time frames of something of this nature. So I have an urgency but if you feel that's the only way to go then that's the only thing we're up against. But I don't know what I could present at this point that would change the structure. These homes are quite common in every community. I would be interested to know exactly what is the fear of what might happen to the children. Because I would support it if there was. I would do anything that is necessary to assist the people across the street to create an environment that they feel is safe, as safe as possible.

Mrs. Yarnevich stated the children are supervised. They're not outside alone. It would be difficult for one of these gentlemen to have access to a child that wasn't accompanied by someone else. That's the one thing that I'm thinking of that would keep the children safe if there's any danger to them at all. This has to go somewhere and it is a need that needs to be filled. It's just a matter of what kinds of dangers are we afraid of for the children. Is it just the fact that it's there and there are men going in and out and there's no explanation for that or are we afraid that these men are going to do something to the kids. If you could speak on that for me Mr. Sturges, what are the real fears that you have?

Mr. Sturges stated I would say that our concern is basically we didn't know what type of people were going to be living here. We were under the same impression that Mr. Ritter was that they were going coming from a prison to here. We didn't know if they were felons. We had no information basically. I think we were here at the last meeting, our executive director was, and there wasn't much information available at that point in time. So our fears are basically more of the unknown of not knowing what was going on, what these people were going to be doing, what type of people they would be, what type of supervision. We had none of that information before. So our statement is basically we are concerned, first of all for the economic impact on us and secondly for the safety of our children. And that is most important, the safety of our children.

Mrs. Bonilla-Baker asked how do you feel about waiting until he comes to talk to you personally?

Mr. Sturges stated we would not be opposed to that.

Mrs. Soderberg asked would that be helpful?

Mr. Sturges stated I think some dialogue would be good in this situation.

Mr. Simpson stated speaking just as an individual and not as a representative of the organization, has your attitude or mind perhaps changed at little bit based on what you've heard here today?

Mr. Sturges stated perhaps. I still have some unanswered questions that I would still like to sit down and discuss with Mr. Pope. But again, not knowing what type of people would be helped we just want to know where he's coming from.

Mr. Funk stated well I've certainly learned a lot today. Based on what we heard last week I would have voted against it. But based on what I've heard today I would certainly go with the idea of allowing this conversation to take place. It's an educational process that we're talking about taking place. Even if it takes another two weeks.

Mr. Pope stated I would be more than happy to have a conversation and address the concerns. I guess it's not an issue of wanting to have our way and not considering their issues it's knowing what their issues are.

Mrs. Bonilla-Baker stated I would like for the surrounding people in that area to also be aware of what is going on so they can have more of a voice. I have two cousins, one on 8th and one on 10th, exactly right behind your house that I'm concerned about too. My sister went to your center at the Presbyterian church too, so I understand it from both sides. They're not even aware of what's going on. I've asked them and approached them. So the knowledge around there, they need to know.

Mr. Pope stated I think maybe the caveat to all of this is we've been in business at that location for two years. We work from 8:30 in the morning to 10:30 at night seeing up to thirty people that are there getting treatment. They are maybe even more problematic than the ones that will be in the house that are beginning their treatment protocols. And yet we've had no issues.

Mrs. Yarnevich asked are these your AA meetings you're talking about?

Mr. Pope stated these are treatments. This is treatment.

Mr. Funk asked where is that taking place?

Mr. Pope stated 300 S. 9th at our offices there.

Mr. Simpson stated that to me was a telling issue.

Mr. Pope stated we've had no incidents there.

Mrs. Soderberg asked Dean what was the notification grid for this?

Mr. Andrew stated the notification grid for this was 200 ft. from the edge of the 310 S. 9th property.

Mrs. Soderberg asked is there some way to indicate that?

Mr. Andrew stated this particular map does not have that grid on it but this would be about 200 feet. We have some large lots like the First Presbyterian Church and the Bartlett School site, your actual notification area is not that large in terms of residents.

MOTION: Mrs. Soderberg stated Mr. Chairman I would move that we would postpone this issue until our next meeting, and whether Mr. Pope instigates a conversation or the day care instigates a conversation, then this item would be taken up on our next meeting.

Mr. Funk asked in other words we're tabling it?

Mrs. Soderberg stated yes.

SECOND: Mr. Funk.

Mr. Simpson stated there is a motion to table the application until the next meeting in two weeks. Those in favor say "aye", opposed same sign.

VOTE: Motion carried 7-0.

Mr. Simpson stated the item will be on our agenda for the second meeting in March.

Mr. Andrew stated that will be the 20th.

Item #3. Application #Z07-3, filed by Mike Grabner, requesting a change in zoning district classification from C-3 (Shopping Center) district to C-5 (Service Commercial) district to allow a vacant gas station to be converted to an automotive dealership. The subject property is located at the northeast corner of 9th Street and Claflin Avenue and is legally described as Lot 68 and the West one hundred and ten (110') feet of Lots 70 and 72, Grounds of Kansas Wesleyan University, an Addition to the City of Salina, Saline County, Kansas.

Mr. Herrs presented the staff report, including photographs of the site and visual presentation of the site plan details, which are contained in the case file.

Mrs. Yarnevich asked is there a reason why we can't leave it C-3 and make an exception for the car lot?

Mr. Herrs stated what we could do is if we adopted the Planned C-5, what we could do is say the zoning lot would allow all C-3 uses plus automobile sales. So essentially that is what we would do.

Mrs. Yarnevich stated that is what we would do. Okay, at one point we had a big thing about spot zoning and we weren't doing it. It seems to be happening more and more and more. So are we backing off of that?

Mr. Herrs stated that is a good issue to bring up because spot zoning is definitely not encouraged. The applicant's argument is that the property directly west is zoned C-5. Therefore, it technically isn't spot zoning even though it isn't completely compatible with the whole east side of S. 9th being C-3. So that is going to be a decision that is going to have to be weighed by the Commission.

Mr. Funk asked if we did alternative No. 2, does that run with the property of the current car sales lot? If they go out of business can Kansas Wesleyan immediately rent it to another one without any problem?

Mr. Herrs stated yes. Any type of zoning would remain in place until it was rezoned.

Mr. Funk asked even with a Planned C-5?

Mr. Herrs stated yes, correct. That way if in fact we adopted the idea that this would be a Planned C-5 with all uses permitted in the C-3 district in addition to automobile sales, then anything allowed in C-3 would be allowed.

Mr. Funk asked what kind of C-5 stuff could go in there that would be objectionable? What kind of activities?

Mr. Herrs stated as I stated earlier C-5 is targeted towards more automobile motorists, highway activities. So you could have boat sales. You could have lawnmowers.

Mr. Funk asked lawnmowers?

Mr. Herrs stated yes, lawnmowers.

Mr. Funk stated well we have them down the street.

Mrs. Yarnevich stated that is what I was wondering about. Because that is outdoor display isn't it?

Mr. Funk stated well it's at Cloud I think.

Mrs. Soderberg asked it was rezoned to what?

Mr. Andrew stated it was rezoned from C-3 to Planned C-5.

Mr. Funk asked is that what we did there?

Mr. Andrew stated it was done in reference to a plan as to how and where items would be displayed.

Mrs. Soderberg stated I see.

Mr. Mikesell asked if we went with a Planned C-5 would they carry the distinction of C-5 signage then?

Mr. Andrew stated that could be addressed through the conditions. I think you have up there a possible condition No. 1 that permitted uses be limited to C-3 uses and used car display and sales and that could be modified to subject this property to C-3 development limitations which would include the signage.

Mrs. Yarnevich asked instead of permitted uses you would say development limitations?

Mr. Andrew stated right, you would say limited to the uses permitted in and the development limitations of the C-3 district.

Mrs. Yarnevich stated I would think that would be important.

Mr. Funk asked this item No. 2, the grassy area can't be used for display purposes. Under this alternative, if they paved it they could use it? Is that automatic or would they have to come before the Commission?

Mr. Andrew stated I think you could make that judgment today. It can't be used today because it's not hard surfaced. It depends if you thought it served some buffer use or not. You could, if you felt it was appropriate later, then you could modify that to say that it could not be used for that unless it was paved. The way we're proposing it it couldn't be used at all. If you wanted to modify that you could say it couldn't be used unless it were paved. That's not necessarily what we're recommending.

Mr. Funk stated I understand.

Mrs. Soderberg stated if you see it today there's a whole lot not paved because they're digging up the tanks and there's a lot of pavement being removed. I assume they're putting pavement back. But we can ask the applicant I guess.

Mr. Simpson asked are there any other questions of staff at this point? Would the applicant care to address the Commission? Please come forward and state your name and address.

Mike Grabner, 602 Starlight Drive, Fast Lane Autosports, stated I plan to just basically make it an automobile lot and park five cars on the north side and probably five cars on the west side, five cars on the south side, keeping an average of fifteen cars. It will be paved back and they will be leaving the light poles that are out front off so there will be no remainder of gas islands left, which will leave me that much more room also.

Mrs. Soderberg stated one of the things that bothers me I guess is that you're leasing this property. How long is your lease for?

Mr. Grabner stated I've set it up for one year with an option to renew.

Mrs. Soderberg stated and you've been in two other properties. It just bothers me to make zoning changes for something that's leased. Was there some reason why this property meets your needs better than the other two?

Mr. Grabner stated yes. That's a better location, easier to get in and out of, two service bays with lifts.

Mrs. Yarnevich asked so you intend to service cars there?

Mr. Grabner stated my own.

Mrs. Yarnevich asked your own?

Mr. Grabner stated yes. We're at Broadway and Crawford right now and the medians are in the way. I've also had a lot of problems with birds and telephone lines and a lot of people complaining about getting in and out of there.

Mr. Simpson asked do you have any other questions of Mr. Grabner? Alright, thank you.

Mrs. Soderberg asked is there any policing that would go on as far as cars creeping over into the grass area, if there is an encroachment on what the original intent was?

Mr. Andrew stated I think the primary thing that we've had struggles with, particularly when you take a site, we've had sites that were sandwich shops that have turned into a car display, the main challenge is that there is a desire to display as many cars as possible that are in your inventory. Our ongoing monitoring is primarily focused on keeping access, not displaying cars in front of driveways that come off the street so that if a potential customer wants to come off the street and pull in to park that they're able to do that, that you don't cover your entire frontage with vehicles so that you have to park in the street to get in. It think that's primarily the things we look at on tight sites or sites that were used for some other purpose before. If there needs to be a handicapped accessible parking stall for customers at the office we don't want to see cars displayed there so that the customer can't park there. It is a little bit of a monitoring thing but it wouldn't be any more unusual here than it would be at any of the other sites and it's pretty common to have what was previously used for something else used for vehicle display.

Mrs. Soderberg asked could we see the slide of the actual site? I have a question that is not necessarily related. The two poles that are there that I assume held the signs for the previous gas station, how long, and I don't know if you plan to use those poles for your signage, but how long do these kinds of eyesore types of things stay there?

Mr. Andrew stated they are allowed to stay there for twelve months. You've got six months to remove any signage that is out of date. For instance, the business is closed and no longer there. And if in another six months the property is still vacant or if it is filled but it has another use and the signs are not utilized, then the supports are supposed to be removed. There is a great reluctance to do that because there is a an investment involved there. And it is something that a new use or tenant can use. We are stricter with the removal of the sign faces for the no longer present business than we are with the actual supports. But the way the ordinance is structured you have six months to remove sign faces and an additional six months to remove the supports.

Mr. Simpson asked are there any other questions or comments? Seeing none, we'll bring it back to the Commission for discussion and action.

MOTION: Mrs. Yarnevich stated well I move we approve Application #Z07-3 as a Planned C-5 which would require submittal of a site plan and then allow the Commission to delete potentially any incompatible uses which is what we did by saying the only additional use above a C-3 would be the car lot. That would be the one condition and the second condition would be the grassy area is not to be used for storage or display and that the development limitations would be those of C-3.

SECOND: Mr. Mikesell.

Mr. Simpson stated it has been moved and seconded. Any questions or comments? We're ready to vote. All those in favors say "aye", opposed?

VOTE: Motion carried 7-0.

Item #4. Application #Z07-1, filed by the Salina City Planning Commission, requesting an amendment to Section 42-59 (d) to allow temporary quarters for emergency service providers and responders.

Mr. Andrew presented the staff report which is contained in the case file.

Mrs. Soderberg asked so if we had, God forbid, a tornado situation, that would allow people to come into the community that were emergency services?

Mr. Andrew stated if we had some disaster of some kind and they wanted to, it's not designed to provide temporary housing for residents, but if we had crew people that came in from outside the community that were responding to some disaster here and you had a parking lot and you wanted to set up crew quarters for them on a temporary basis that would allow for that. It's one of those situations that a question or scenario is proposed to you and you find that the ordinance does not address it at all. This is just designed to address it.

MOTION: Mr. Mikesell stated I think it's appropriate and I would make a motion that we approve Application #Z07-1 as proposed.

SECOND: Mrs. Bonilla-Baker.

Mr. Simpson stated it's moved and seconded. Any further questions or comments? Those in favor say "aye", opposed?

VOTE: Motion carried 7-0.

Item #5. Application #Z07-2, filed by the Salina City Planning Commission, requesting an amendment to Section 42-61 (b) dealing with the number of structures permitted on a zoning lot.

Mr. Andrew presented the staff report which is contained in the case file.

Mr. Ritter asked were there building permits issued for those buildings?

Mr. Andrew stated there were.

Mr. Ritter asked and they circumvented the regular guidelines?

Mr. Andrew stated because of the lease situation everything was evaluated based on the total area of the lot. The best way I can distinguish that is if this were Central Mall, which it certainly isn't, you would have set aside a square footage area that would go with each building that we would look at and say do you have enough land area that goes with that building, do you have enough room that goes with that building to provide parking, what is your means of access? If you plat a lot you have got to have frontage on a street. Since these are not subdivided the ownership hasn't changed. Those buildings don't have to have frontage on a street. So we're going to look to try and figure out how to eliminate the distinction between this and subdividing and hopefully come back with a recommendation for you.

Mr. Simpson stated ok, very good.

Item #6. Update on North Broadway Corridor Study.

Mr. Andrew presented the staff report updating the Commission on the project.

Mr. Funk asked how far does that project go east?

Mr. Andrew stated it actually goes on Pacific over to Santa Fe with some of the pavement and other improvements. The primary work is that four lane section between Ninth and North Street.

Mr. Simpson stated ok, thank you Dean.

Item #7. Other matters.

Mr. Andrew stated for other matters we have tentatively scheduled, and I realize that is spring break week, but we have some urgency of the matter and we would like to at 3:00, in advance of the March 20 meeting, have a study session on xeriscaping. We've arranged for some people from Hesston, Kansas to come in and talk about some xeriscaping initiatives that have occurred in Hesston. They're actually a little bit ahead of us in that regard. The one thing that we want to do before we start down the path of saying, well instead of for commercial projects or projects that come before the Commission where you're looking at landscaping, we think the goal is to have less water consumptive landscaping. The important thing is to have something that everybody agrees with and is Salina's standard. You can go to Tuscon, Arizona or Albuquerque, New Mexico and find water conserving landscapes. But that model doesn't necessarily fit Salina. So we're going to have the City Forester Steve Blue and some people from Hesston in to talk about a program that they've initiated there and changes. We're also going to try and present you some information about plant materials, some visuals of what we see as xeriscaping, and then the choices we really will be discussing is whether you just go in and say every commercial project in Salina from this day forward is going to be xeriscaped instead of landscaped. Or you give out some incentives to encourage that to happen, or you simply through public education and other means try to get people to voluntarily choose that. But there is a commercial component to that and there's the residential component to that because no matter how much water we save on commercial landscapes the biggest consumer of water during growing season is residential property not the projects that come before the Commission. So we will discuss all that. Hesston has an incentive program to get property owners to convert to xeriscaping and we'll be discussing that with you. But we're going to try to do that at 3:00 on the 20th.

Mrs. Yarnevich stated I have a question on that. This xeriscaping is there a way to control runoff? Are we going to be having a big runoff problem if we xeriscape everything?

Mr. Andrew stated I think that is part of it. And I think that's part of the misnomer of xeriscaping being rocks with a single yucca plant in it. So that's what we're going to try to address. There are types of trees, there are ornamental grasses, there are living ground covers that are considered xeriscaping, it's primarily the green fescue-type grasses or blue grasses, turf grasses that are the big water consumers and certain types of trees and shrubs. The City Forester has a handout that we use and give to everybody that has recommended trees for Salina, Kansas. What I've asked him to do is develop a list that he thinks meets the definition of xeriscaping. There are varieties within that list that have much less need for watering than others. So I think that's part of the goal. We think before we try to do things with our ordinances we ought to have a meeting of the minds so everybody agrees. Because xeri is not zero. And so there is a difference there. We'll try to use that as an educational session. We'll probably invite a number of interested parties that aren't Planning Commissioners that will also be invited to that as well. So we'll either have it in here or have extra seats there.

Mrs. Soderberg stated Mr. Chairman I was wondering if we could get an update also on the Comprehensive Plan process. Not now. It doesn't have to be now. Just at some point.

Mr. Andrew stated I think it is important to know that we did go through a pretty extensive selection process looking at proposals and consultants. The selection committee narrowed it down to one consultant and we're in the process of trying to get a scope of services agreed to and costed out that will then be essentially a contract approved by the City Commission. And once that's done, I think before that's even done, we'll try to get with you. I think the other thing we're working on is a timeline and timetable and one thing we're trying to do on your behalf is trying to pin down the role of the Planning Commission. There are different models that are used out there where you have a large citizen committee that's appointed that serves as a steering committee. There are some that say well we'll just use the Planning Commission as a steering committee. In my opinion that doesn't work as well as having a broader, larger group and having the Planning Commission being the filter before it goes to the City Commission. But we will have a role in that and we'll try to get you that timeline and what the citizen participation component of that will be. But that's where we're at right now.

Mr. Simpson stated ok, thank you Dean. Any other matters at this time?

Mr. Andrew stated we will have this item carried over from today. I think our only regret is we wish we would have had the house rules and a number of those items early on in the beginning of the review process. That would have helped us write our report and better present this. Also, we might have been able to send that out with our notification letters. But I think it's an educational process. We're just getting the information later, later than we would have liked to. But we'll have that on the 20th. We have a proposal for reuse of Parsons School that will come before you on the 20th and then our study session on xeriscaping.

Mr. Simpson stated alright, very good. If there is nothing else then we are adjourned.

Meeting adjourned at 5:39 p.m.

A handwritten signature in dark ink, appearing to read "Dean Andrew", is written over a horizontal line.

Dean Andrew, Secretary

ATTEST: _____